IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO. 683 OF 1993

IN

SUM. SUIT NO. 678 OF 1993

M/s. Supreme Electrical
Stampings .. Plaintiffs

vs.

M/s. Genelec Limited .. Defendants.

Mr. R.M. Kedia for plaintiffs.
Mr. Saumya Srikrishna i/by Sonali Joshi & Co.
for defendants.

CORAM : S.U. KAMDAR, J.

DATE : 26th September, 2005.

P.C.

. The present suit is filed for recovery of a sum of Rs. 3,98,780.00 with interest on the principal amount of Rs. 2,73,732.52. The suit is based on bills of exchange which are at Exhibits C, C-1, C-2 and C-3 to the plaint. The defendant has filed the reply stating that the BIFR has recommended winding up and company petition is admitted. In my opinion, once the BIFR proceedings

are concluded the protection under Section 22 of SICA is no more available nor a mere filing of the winding up petition or admission thereof without obtaining any stay order gives any protection. In that view of the matter, there is no substance in the reply filed. Original documents are taken on record and marked P-1 collectively. Suit decreed as prayed.

2. Refund as per rules.

3. In view of the disposal of the suit, summons for judgment does not survive. The same is dismissed as infructuous.